

**23-20-1 Enforcement authority of conservation officers -- Seizure and disposition of property.**

- (1) Conservation officers of the division shall enforce the provisions of this title with the same authority and following the same procedures as other law enforcement officers.
- (2)
  - (a) Conservation officers shall seize any protected wildlife illegally taken or held.
  - (b)
    - (i) Upon determination of a defendant's guilt by the court, the protected wildlife shall be confiscated by the court and sold or otherwise disposed of by the division.
    - (ii) Proceeds of the sales shall be deposited in the Wildlife Resources Account.
    - (iii) Migratory wildfowl may not be sold, but shall be given to a charitable institution or used for other charitable purposes.
- (3)
  - (a) Conservation officers may seize and impound a vehicle used for the unlawful taking or possessing of protected wildlife for any of the following purposes:
    - (i) to provide for the safekeeping of the vehicle, if the owner or operator is arrested;
    - (ii) to search the vehicle as provided in Subsection (2)(a) or as provided by a search warrant; or
    - (iii) to inspect the vehicle for evidence that protected wildlife was unlawfully taken or possessed.
  - (b) The division shall store any seized vehicle in a public or private garage, state impound lot, or other secured storage facility.
- (4) A seized vehicle shall be released to the owner no later than 30 days after the date the vehicle is seized, unless the vehicle was used for the unlawful taking or possessing of wildlife by a person who is charged with committing a felony under this title.
- (5)
  - (a) The owner of a seized vehicle is liable for the payment of any impound fee if the owner used the vehicle for the unlawful taking or possessing of wildlife and is found by a court to be guilty of a violation of this title.
  - (b) The owner of a seized vehicle is not liable for the payment of any impound fee or, if the fees have been paid, is entitled to reimbursement of the fees paid, if:
    - (i) no charges are filed or all charges are dropped which involve the use of the vehicle for the unlawful taking or possessing of wildlife;
    - (ii) the person charged with using the vehicle for the unlawful taking or possessing of wildlife is found by a court to be not guilty; or
    - (iii) the owner did not consent to a use of the vehicle which violates this chapter.

Amended by Chapter 394, 2013 General Session